



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
1011 North Grandview Avenue
Glendale, California 91201



Arnold Schwarzenegger
Governor

August 2, 2007

Mr. Jefferey Smith
TP Industrial, Inc.
c/o Law offices of Jefferey M. Smith
2559 N. 300 W
Lehi, Utah 84043

**SECOND NOTICE OF DEFICIENCY FOR POST CLOSURE PERMIT RENEWAL
APPLICATION, TP INDUSTRIAL, INC., GARDENA, CALIFORNIA, EPA
IDENTIFICATION NUMBER CAD097465132**

Dear Mr. Smith:

The Department of Toxic Substances Control (DTSC) received and reviewed the revised Part B Post Closure Permit Application (Part B Application), dated October 23, 2006, for TP Industrial, Inc. (TPI), Gardena, California. The quality of the Part B Application has improved significantly; however, it did not address all deficiencies sent by DTSC on July 10, 2006. On June 28, 2007, DTSC met with you to discuss DTSC's preliminary comments on the October 23, 2006 Part B Application.

During the meeting, closure of regulated units, permitting requirements for the treatment system and DTSC's proposed changes to the Water Quality Monitoring Requirements were discussed. The agreements are summarized below.

- 1) The facility will submit a closure certification report for the closure activities implemented in 1993 and the recent soil and soil vapor data from under these units, for DTSC's review. Upon the approval of the closure certification report, the post-closure permit application shall include only units that are not clean closed.
- 2) Presently, the soil venting/groundwater treatment system is not a permitted hazardous waste treatment system. DTSC requests the facility to explore the possibility of applying for a permit-by-rule or a full permit for the treatment system. If the application of a permit-by-rule is feasible for the treatment system and is granted, the facility shall revise the post-closure permit to exclude the treatment system but will address the cover maintenance and surface water, groundwater and vadose zone monitoring for the remaining property.

- 3) The facility will include a contingent water quality monitoring plan based on the DTSC's proposed regulations. The contingent plan will be in effect as soon as the proposed regulations become final and the facility completes the investigations to determine the full nature and extent of the groundwater contamination, allowing the facility to move into corrective action monitoring.
- 4) The facility will negotiate a corrective action consent agreement with DTSC.

Based on the meeting and DTSC's review of the October 23, 2007 Part B Applications, DTSC's comments are summarized below. Please revise the Part B application according to DTSC's comments and submit a revised Part B application by September 15, 2007.

The following are DTSC's comments:

1. Section A-6, Process Description, Page 4, First Paragraph – A post-closure permit was issued by DTSC to TPI on August 3, 1994 and expired on August 3, 2004. Please add the issuance and expiration dates to the end of the paragraph; clarify that this permit application is a post-closure renewal and discuss changes made to the previous application/permit.
2. Section A-6, Process Description, Page 4 – This section states that 11 hazardous waste management units (HWMUs) described in Table 1 and Figure 2 are Resources Conservation and Recovery Act (RCRA) units. However, there are more than 11 HWMUs listed in Table 1 and Figure 2. Please clearly identify HWMUs in Figure 2 and Table 1.
3. Section A-6, Process Description, Page 4 - Discuss briefly in this section the contaminants that were left in place, the quantity of the contaminants detected during the closure activities and the reason why post closure is needed for these units.
4. Section A-7, Construction and Operation Permits, Page 5 – This section states that the remediation systems operated at the site are not subject to RCRA regulations. According to Section F1, Closure Structures, Page 14, the groundwater and soil vapor extraction treatment systems are subject to maintenance and monitoring requirements of the post-closure permit; therefore, these two units are subject to RCRA regulations and are regulated by the post-closure permit. Please delete the sentence stating that remediation systems are not subject to RCRA regulations.

5. Section A-7, Page 5 and Appendix C –The permit from the South Coast Air Quality Management District expired on July 4, 2004. Please attach a copy of the current air permit in Appendix C.
6. Post-closure notices are required by California Code of Regulations, title 22, sections 66264.119. Please add a new section (Section A-8) to discuss the TPI's compliance with the following post-closure notices and attach a copy of the documentation to the appropriate sections of the Part B Application. The post-closure notices include:
 - (a) The survey plat indicating the location and dimensions of the landfill cells (units subject to post-closure permits);
 - (b) The record of the type, location, and amount of hazardous wastes disposed of within each cell which was submitted to the local zoning authority, or the authority with jurisdiction over local land use, and to DTSC;
 - (c) The notice in deed that the land was used to manage hazardous waste and must not be disturbed; and
 - (d) The certification that the information was recorded and a copy sent to DTSC.

DTSC understands that the post-closure notices have been previously submitted to DTSC, but requests a copy of these notices to be included in the Part B Application. Please note that a new survey of the unit(s) regulated under the post-closure may be needed when it is determined which units are subject to post-closure. In addition, a land use covenant is required for the facility.

7. Please add a new section (A-9) to discuss federal laws that are applicable to the facility. The discussion shall include the facility's compliance with the Wild and Scenic Rivers Act, National Historic Preservation Act of 1966, Endangered Species Act, Coastal Zone Management Act, and Fish and Wildlife Coordination Act.
8. Section B-2, Page 6 - A topographic map showing a distance of 2,000 feet around the facility at a scale of 1 inch equals to no more than 200 feet is required by California Code of Regulations, title 22, section 66270.14 (a)(18). Please revise Figure 1 or attach a new topographic map indicating a distance of 2,000 feet around the facility as requested by the regulation.
9. Section B-1, Page 6 Plate 1 – Plate 1 states that large above ground tanks will be removed and that site conditions may be different at the time of survey. The Plate 1 is dated July 8, 1985. It is unclear whether the site conditions have changed since 1985. If there are changes since 1985, please replace Plate 1

with a more recent topographic survey which should include below listed information. Separate maps can be submitted to qualify for this requirement.

- (a) Contour sufficient to show surface water flow around the facility around the facility's operations;
- (b) Map title, legend, scale and date
- (c) Surface water including intermittent streams
- (d) A wind rose and the location of the wind rose
- (e) Surrounding land use
- (f) Map orientation;
- (g) Legal boundaries of hazardous waste management site
- (h) Access and internal roads
- (i) Access controls
- (j) Injection and withdrawal wells (onsite and offsite)
- (k) Building and structures;
- (l) Sewers;
- (m) Flood control or drainage barriers;
- (n) Run-on and Run-off control systems;
- (o) Units that are subject to post-closure permit (hazardous waste management units) and their boundaries;
- (p) Units that are subject to corrective actions (solid waste management units);
- (q) The point of compliance for these units; and clearly identify groundwater well locations.

DTSC understands that a separate map (Plate 2) was used for above information, but not all information was found in these two maps.

- 10. Section B-3, Page 6 – Figure 3 indicating the site is not located in a 100 year floodplain is not legible. Please replace the figure with a legible copy.
- 11. Section B-4, Page 7 – Please identify the estimated volume (number and types of vehicles associated with the post-closure activities) and the load bearing capacity of the road as requested by DTSC's letter dated July 10, 2006, Comment B-4 and California Code of regulations, title 22, section 66270.14 (b)(10).
- 12. Section F-1, Closure Structures, Page 11 – The description indicates that DTSC provided closure certification to 11 units. Please identify which units were clean closed (if there are any) and which units are subject to closure and post-closure activities. A closure certification report including the investigation data is needed for such identification.

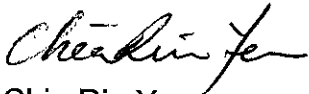
13. Section F-1, Closure Structures, Page 11 – Section F-1 should include inspection and maintenance activities of the final cover for the regulated units at the facility. Please provide the monitoring and inspection information listed in the DTSC's guidance document, Instructions for Preparing a Post-Closure Permit Application, Chapter 5, Section F, for the final cover. A CD with the DTSC's guidance document is attached for your information. An inspection checklist should be included in the Part B Application.
14. Section F-1, Closure Structures, Page 11 – In the discussion above (Comment 13), please demonstrate that the inspection and maintenance of the final cover of the regulated units have been performed to allow the cover to meet the performance criteria specified in Title 22, California Code of Regulations, 66264.310(a).
15. Section E-3, Inspection Plan, Page 16 – Monitoring and testing for the safety emergency equipment, communication or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment are required by California Code of Regulations, title 22, section 66264.33. Please prepare an inspection plan per California Code of Regulations, title 22, section 66264.15 for above equipment. The same comment was also requested previously by DTSC in its Notice of Deficiency, dated July 10, 2006.
16. Section H, Page 24 – Please identify the solid waste management units (SWMUs) at the facility and the status of each tank identified as SWMU (e.g., active, inactive, or removed). A map indicating the location of these SWMUs must be provided.
17. Section F-2, Page 15– Please attach a copy of the tank assessment for the 9,600-gallon flow equalization tank as requested by California Code of Regulations, title 22, section 66264.192(h). The tank assessment shall include at least, the minimum shell thickness, corrosion allowance and rate, inspection schedule and industry standards used for the tank assessment. The copy of the tank assessment is not required in the Part B application if the treatment system is regulated under the permit-by-rule.
18. Please add a new section demonstrating that the maintenance and inspection of the final cover meets the performance criteria specified in Title 22, California Code of Regulations, 66264.310(a).
19. The following information was not discussed in the Part B Application. Please revise the Part B Application to include the information listed below or provide an adequate justification of why the information is not applicable.

Mr. Jeffrey Smith
August 2, 2007
Page 6

- a) A surface water monitoring plan as requested by California Code of Regulations, title 22, section 66264.97(c) and a contingency plan based on the proposed Water Quality Monitoring Requirements;
 - b) A vadose zone monitoring plan as requested by California Code of Regulations, title 22, section 66264.97(d) and a contingency plan based on the proposed Water Quality Monitoring Requirements;
 - c) A discussion of the compliance with California Code of Regulations, title 22, Article 17 (Environmental Monitoring and Response Programs for Air, Soil, and Soil-Pore Gas for Permitted Facilities), and
 - d) A discussion of the compliance with California Code of Regulations, title 22, Article 27 (Air Emission Standards for Process Vents), and Article 28 (Air Emissions Standards for Equipment Leaks). This information is not needed if the treatment system is regulated under the permit-by-rule.
20. See attached memorandum from the DTSC's Geological Services Unit for additional comments. Please address and comply with each of the Geologic Services Unit's comments.

For any questions regarding these comments, please contact me at (818) 551-2182 to schedule a meeting, if needed, or for any questions regarding these comments.

Sincerely,



Chia-Rin Yen
Permit Renewal Team
Hazardous Waste Management Program

Attachment

cc: Mr. Mark Bierei
Malcolm Pirnie, Inc.
8001 Irvine Center Drive, Suite 100
Irvine, California 92618

Mr. Andres Cano
Geology, Permitting and Corrective Action Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

Mr. Jeffrey Smith
August 2, 2007
Page 7

cc: Mr. Phil Chandler
Southern California Corrective Action Permitting Branch
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

Mr. Richard Allen
Southern California Corrective Action Permitting Branch
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

Mr. Allan Plaza
Southern California Permitting and Corrective Action Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

Mr. Ray Leclerc
Permit Renewal Team
Hazardous Waste Management Program
8800 Cal Center Drive
Sacramento, 95826-3200